

The following Ordinance was moved by Pres. Torres  
and seconded by Ms. Diamond :

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: BUILDING CODE.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as  
follows:

Sec.1. Chapter 7, Article XVII, of the Code of Ordinances of the City of Long  
Beach, as heretofore amended, shall be and the same is hereby added to said Chapter, to read as  
follows:

“ARTICLE XVII. Establishment of Energy Benchmarking Requirements for  
Certain Municipal Buildings

Sec. 7-282. Purpose.

Buildings are the single largest user of energy in the State of New York. The poorest  
performing buildings typically use several times the energy of the highest performing buildings,  
for the exact same building use. As such, this Article shall use Building Energy Benchmarking  
to promote the public health, safety and welfare by making available good, actionable  
information on municipal building energy use to help identify opportunities to cut costs and  
reduce energy consumption and greenhouse emissions in the City of Long Beach.

Collecting, reporting and sharing Building Energy Benchmarking data on a regular basis  
allows municipal officials and the public to understand the energy performance of municipal  
buildings relative to similar buildings nationwide. Equipped with this information, the City of  
Long Beach is able to make smarter, more cost-effective operational and capital investment  
decisions, reward efficiency and drive widespread, continuous improvement.

Sec. 7-283. Definitions.

As used in this article, the following terms shall have the meanings ascribed to  
them:

*Benchmarking Information* shall mean information generated by Portfolio Manager (or  
other recommended software), as herein defined including descriptive information about the  
physical building and its operational characteristics.

*Building Energy Benchmarking* shall mean the process of measuring a building’s energy  
use, tracking that use over time and comparing performance to similar buildings.

*Commissioner* shall mean the head of the department.

*Covered Municipal Building* shall mean a building or facility that is owned or occupied  
by the City of Long Beach that is 1,000 square feet or larger in size.

*Department* shall mean the Department of Public Works.

*Energy* shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in building, or renewable in-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in utility bills or other documentation of actual energy use.

*Energy Performance Score* shall mean the numeric rating generated that compares the energy usage of the building to that of similar buildings.

*Gross Floor Area* shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

*Portfolio Manager* shall mean the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide, or its replacement software.

*Utility* shall mean an entity that distributes and sells energy to covered municipal buildings.

*Weather Normalized Site EUI* shall mean the amount of energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

#### Sec. 7-284. Applicability.

The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

#### Sec. 7-285. Benchmarking Required for Covered Municipal Buildings.

1. The Commissioner or his designee, shall enter the total energy consumed by each Covered Municipal Building into the appropriate software, along with all other descriptive information required for data input from the previous calendar year.
2. For new Covered Municipal Buildings that have not accumulated 12 months of energy use data by the first applicable date following occupancy for inputting energy use into Portfolio Manager, the Commissioner or his designee shall begin inputting data in the following year.

#### Sec. 7-286. Disclosure and Publication of Benchmarking Information.

1. The Department of Public Works shall make available to the public on the internet Benchmarking information for the previous calendar year by September 1<sup>st</sup> of each year.
2. The Department of Public Works shall make available to the public on the City of Long Beach website, [www.longbeachny.gov](http://www.longbeachny.gov), and update at least annually, the following Benchmarking information:

- a. Summary statistics on energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking information; and
- b. For each Covered Municipal Building individually:
  - (i) The status of compliance with the requirements of this Article; and
  - (ii) The building address, primary use type, and gross floor area; and
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
  - (iv) A comparison of the annual summary statistics across calendar years for all years since annual reporting began for said building.

Sec. 7-287. Maintenance of Records.

The Department of Public Works shall maintain records as necessary for carrying out the purposes of this Article, including but not limited to energy bills and other documents received from tenants and/or utilities. Such records shall be preserved by Public Works for a period of three (3) years.

Sec. 7-288. Enforcement and Administration.

1. The Commissioner of Public Works may promulgate regulations necessary for the administration of the requirements of this Article.
2. Within thirty (30) days after each anniversary date of the effective date of this Ordinance, the Commissioner of Public Works shall submit a report to the City Council including, but not limited to, summary statistics of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Ordinance.

Sec. 2. This Ordinance shall take effect immediately.